



COMMONWEALTH of VIRGINIA

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

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February 4, 1999

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Voice/TDD

Ms. Christy Williams
Department of Environmental Services
#1 Courthouse Plaza
2100 Clarendon Boulevard, Suite 801
Arlington, Virginia 22201

Dear Ms. Williams:

This letter is in response to your request of February 2, 1999 asking for the Chesapeake Bay Local Assistance Department's interpretation on whether cantilevers on a new development project should be considered impervious or pervious cover. The request is following the submission of **final** building permit drawings for a single family residence on Lot 7 1 0 on North Woodrow Street.

Section 9VAC 10-20-40 of the Chesapeake Bay Preservation Designation and Management Regulations and Section 61-4 of the Arlington County Chesapeake Bay Preservation Ordinance define impervious cover as any surface that "significantly impedes or prevents natural infiltration of water into the soil. impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface." The proposed cantilever construction which is located over the basement of the house has the same roof area as the proposed house,. Therefore, the Department would consider the cantilever construction impervious cover since it reduces the ability of the ground underneath the overhanging building to support vegetation and filter runoff.

Furthermore, as outlined in the Department's earlier letter dated June 12, 1998 (attached), we continue to recommend that the house be moved entirely outside of the seaward 50 feet of the buffer area, including the section of the house with cantilevers, to comply with the buffer area requirements in Section 9VAC 10-20-130.B.2 of the Regulations. It is important to note that the flexibility within this section of the Regulations for lots recorded prior to October 1, 1989 applies only to the landward 50 feet of the buffer area. In no case should the seaward 50 feet of the buffer area be reduced to provide for the construction of a principal structure and necessary utilities.

I hope this information sufficiently clarifies the Department's interpretation of the issue. If you have any questions, or if I may be of further assistance, please do not hesitate to call me at 1-800-243-7229.

Sincerely,

Nadine Golgosky Barnes Senior
Environmental Planner

Attachment

C: Scott W. Kudias, Chief of Planning
Shawn E. Smith, Implementation Review Officer
Joan C. Becker Kelsch, DES, Arlington County

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